P.L. 114-94

Fixing America's Surface Transportation (FAST) Act

Key Highway Provisions

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U.S. Department of Transportation

Federal Highway Administration

FAST Act

- Signed by President Obama on December 4, 2015
- First long-term authorization act in a decade
- Result of bipartisan cooperation and compromise
- Provides 5 years of funding certainty for infrastructure planning and investment
- Authorizes \$305 B (all modes) over FY 2016-2020
- \$70 B in transfers to keep the Highway Trust Fund solvent;
 fully "paid for" (offset) by unrelated savings

\$305 B (all modes) over FY2016-2020

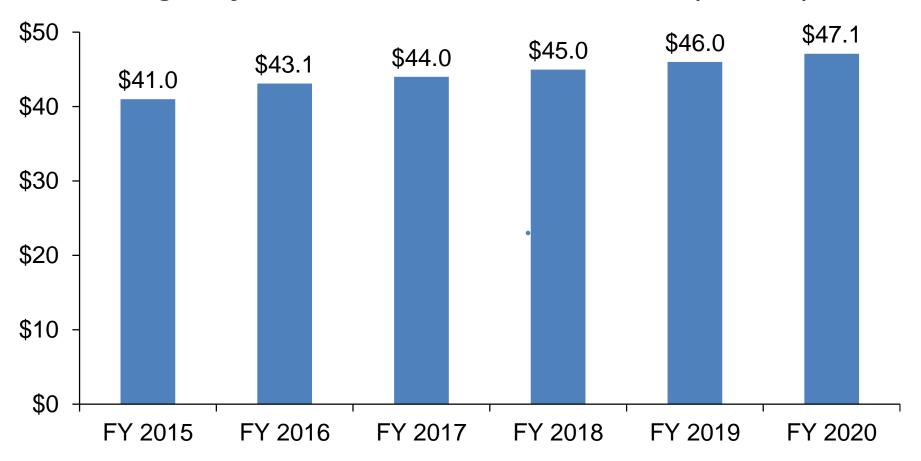
Program	5-Year Funding (billions)
Federal Highway Administration	\$ 226.3
Federal Transit Administration	61.1
Federal Motor Carrier Safety Administration	3.2
Pipeline and Hazardous Materials Administration	0.4
National Highway Traffic Safety Administration	4.7
Federal Railroad Administration	10.3
Total	305.0

Key Highway Facts

- \$226.3 B for highways over five years (FY 2016-2020)
 - \$225.2 B in contract authority
 - \$1.1 B from the General Fund
- Builds on the program structure and reforms of MAP-21
- Continued focus on accelerating project delivery
- Adds a new freight formula and expands freight network
- Adds a new discretionary program for nationally significant freight and highway projects
- Provides a new tribal self-governance option

Highway contract authority grows each year

Highway Authorizations from Trust Fund (billions)

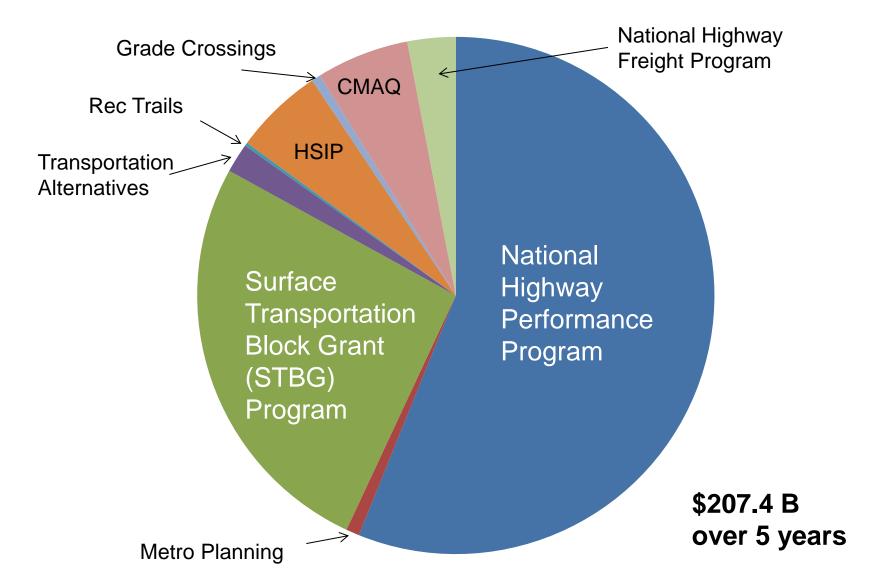


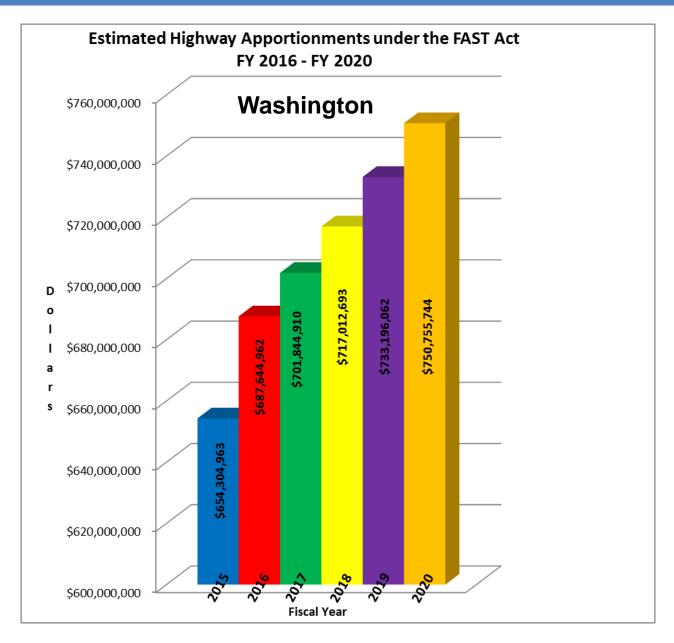
APPORTIONED PROGRAMS

Growth Varies by Program

Program	Avg. Annual Funding (millions)	Change from FY 2015
National Highway Performance Program	\$ 23,280	+6.3%
Surface Transportation Block Grant Program	11,654	+15.6
Transportation Alternatives Set-aside	[760]	+3.3
Recreational Trails Program Set-aside	[84]	0.0
Surface Transportation Block Grant Program (net of TA & Rec Trails)	[10,809]	+7.3
Congestion Mitigation & Air Quality Improvement	2,405	+6.1
Highway Safety Improvement Program	2,317	+5.7
Railway-Highway Crossings Program	235	+6.8
Metropolitan Planning	343	+9.5
National Highway Freight Program	1,249	NEW +100.0

92% of Highway Funds Are Apportioned





(before post-apportionment set-a-sides; before penalties; before sequestration)

Changes to NHPP and STP

Prgm	Changes
NHPP	TIFIA costs and V2I communication equipment now eligible
	Bridge resurfacing/preservation/reconstruction on <u>non-NHS</u> Federal- aid highways now eligible
STP	Renamed: Surface Transportation <u>Block Grant Program (STBG)</u>
	 Eligibilities restated with none eliminated; new eligibilities for TIFIA costs, State P3 office, V2I communication equipment
	 In border States, up to 5% for infrastructure projects eligible under the SAFETEA-LU border program
	 More suballocation: +1%/year up to 55% (vs. 50% today)
	 Set-asides for Transportation Alternatives and Recreational Trails (see next slide)

FREIGHT

National Highway Freight Program | NEW

- \$1.2 B / year (average), apportioned to States by formula
- Eligible activities include construction, operational improvements, freight planning and performance measures
- Highway focus, but ≤10% for rail/port/intermodal projects
- No State freight plan, no freight formula \$ (beginning FY 2018)
- Federal share is determined under 23 USC 120
- Repeals special Federal share for freight projects

Natl. Significant Freight & Hwy. Projects | NEW

- \$900 M/year (average) for competitive grants or TIFIA loans for projects >\$100 M (reduced for States w/ small programs)
- Eligible activities:
 - Highway freight projects on National Highway Freight Network
 - NHS highway/bridge projects, projects in National Scenic Areas
 - Freight rail/intermodal/port projects (≤\$500 M over 5-year period)
 - Rail-highway grade crossing or grade separation projects
- States, large MPOs, Tribes, localities, and FLMAs may apply
- OST selects projects; Congress has 60 days to disapprove
- Set-asides for rural areas and projects below cost threshold

Other Freight Provisions

- Freight policy goals and multi-modal national freight strategic plan
- State freight plans (required) & advisory committees (encouraged)
- National <u>multimodal</u> freight network
- National <u>Highway</u> Freight Network, to include:
 - Primary Highway Freight System (PHFS); initially 41K miles
 - Critical rural freight corridors identified by States
 - Critical urban freight corridors with State-MPO consultation
 - Portions of Interstate System not included in the PHFS
- Highway network re-designated every 5 years (w/up to 3% growth)

PLANNING, PERFORMANCE & PROJECT DELIVERY

Planning & Performance

- More consultation and participation
 - Enables participation by public ports, private transportation providers
 - Encourages MPO consultation with other types of planning activities
- Changes to selection criteria for MPO officials
- Other changes to planning and performance
 - TIPs/STIPs/long-range plans must include facilities that support intercity transportation
 - New planning considerations: resiliency/reliability, stormwater mitigation, and enhancement of travel/tourism
 - Long-range State plan must describe perf. measures and targets
 - Consequence (reporting) for State making insufficient progress toward freight targets

Accelerating Project Delivery

A major theme of the FAST Act, with 18 separate provisions in the highway title alone.

The Act—

- Adds New Flexibilities
 - Section 4(f) exemption for some bridges
 - Authorizes taking of nesting swallows in at-risk bridges
- Refines Existing Provisions
 - Narrows concurrence requirement for PEL
 - Pilot for substitution of State law for NEPA

OTHER PROGRAMS & PROVISIONS

TIFIA and Ferry Boat Programs

- Changes to TIFIA (beyond 71% funding cut)
 - New eligibilities for transit-oriented development (TOD), capitalizing rural projects fund in a SIB
 - Lower min. cost (\$10 M) for local govt. applicants and for TOD
 - TIFIA now eligible under NHPP, STBGP, Nationally Significant Freight and Highway Projects
 - No more requirement to redistribute uncommitted TIFIA funds
 - Reserves <u>at least</u> \$2 M to be used in lieu of fee payment by applicants for loans for projects costing less than \$75 M
- Changes to ferry program
 - Formula now gives more weight to number of ferry passengers
 - After 4 years, FHWA withdraws unobligated Ferry program funds (and distributes them to other eligible recipients)

Tolling/HOV

- Tolling
 - Technical clean up of statutory language
 - Requires same treatment on certain toll facilities for over-the-road buses and transit buses
 - Must consult MPO on toll placement/amount for HOT lanes on Interstate facilities within metropolitan planning area
- ISRRPP Expiration timeframe for provisional approvals:
 - Those in place before FAST Act expire 1 year after enactment of FAST Act (with possible 1-year extension)
 - New ones (post-FAST) expire after 3 years (w/possible 1 yr. extension)
- Allows waiver of sanctions for degraded HOV operation under certain conditions

Highway Design

- On NHS, design "shall consider" (previously "may take into account")—
 - constructed/natural environment
 - environ., scenic, aesthetic, historic, community, & preservation impacts
 - access for other modes
 - cost savings via flexibility in current design guidance/regulations | NEW
- DOT to consider AASHTO Highway Safety Manual, NACTO Urban Street Design Guide
- Encouragement for States/MPOs to adopt standards for Fed.
 projects that accommodate motorized and non-motorized users
- Locality may use different roadway publication than State (with State approval) in certain circumstances

Other Provisions

- Specifically allows multiple similar bridge projects to be handled ("bundled") into a single project
- DOT to designate national electric vehicle charging and hydrogen, natural gas, and propane fueling corridors
- Encouragement of vegetation management practices that improve habitat and forage for pollinators

Will take ?s at end of presentations